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8791 7590 02/23/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
PHAM, LINH K				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,050

Applicant(s)

SCHNEIDER, FRITZ

Examiner

LINH K. PHAM

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Request for Continued Examination filed on 12/23/2008.
2. In the Instant Amendment, Claims 1, 16, and 31 were amended; Claims 1, 16, and 31 are independent claims; Claims 1-45 have been examined and are pending.

This Action is made NON-FINAL.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/23/2008 has been entered.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 1-2, 4-5, and 7-15 are rejected under 35 U.S.C. 101** as being directed to non-statutory subject matter.

- **Regarding claim 1**, although the preamble of the claim recites “*a computer navigation system*,” the body of the claim does not positively recite any elements of hardware. The body of the claim recites “*interactive links*” and “*visual linktags*,” which are implemented by software, in light of the specification (page 15, lines 9-26); The mere recitation of the system/machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. Therefore, the claim is directed to non-statutory subject matter.
- **Regarding claims 1-2, 4-5, and 7-15**, claims 1-2, 4-5, and 7-15 are also rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter for the same reason.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 3-5, 8-16, 18-20, 23-31, 33-35, and 38-45 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Smethers (“Smethers” US 2003/0055870) in view of Hennings et al., (“Hennings”, US 6,763,496).

Regarding claim 1, Smethers teaches a computer navigation system, comprising:

one or more interactive links displayed on a display connected to a computer appliance
(para. 0068; Fig. 4, a Keypad Bookmark Manager contains the links on a screen shot 400); and

one or more visual linktags associated with individual ones of the one or more interactive links, the one or more visual linktags displaying one or more numbers, characters or symbols, the system enabled to initiate an interactive link in the display upon user input of one of the numbers, characters or symbols in a visual linktag, the visual linktag is separate from *(para. 0067; Fig. 4; the screen shot 400 shows that bookmarks for keys "1", "2" and "3" have been assigned by the user, and that key "4" is as yet unassigned. With respect to key "1", the screen shot 400 show that the bookmark has a short name of "My Stocks" in field 420 and a URL; keys "2" and "3" are also shown in the screen shot 400 has having been assigned in accordance with information in fields 436, 440, 452 and 456; paras. 0099-0074; Fig. 6-8; wherein at least steps 608-628; a bookmarked document is requested by the press and hold of a pre-assigned key of the wireless client device; such as, a user press and hold number "1", the system will receive the request from user and retrieve information associated with the assigned key "1") and*

Smethers teaches all limitations as recited above, but does not explicitly disclose symbols in a visual linktag, and displayed simultaneously with the interactive link.

However, Henning teaches a system for promoting contextual information pertaining to a linked, wherein symbols in a visual linktag *(Fig. 2; the picture icons 102, 104, 106, and 108 are know as the symbols in a linktag)*, and displayed simultaneously with the interactive link *(col. 9, lines 38-67 to col. 10, lines 1-5; Fig. 2; 7A, and 7B; the picture icons 102, 104, 106, and 108, which is known as the symbols in a visual link, that correspond to various categories of travel offerings available at the site. Adjacent to the picture icons and paired thereto are text hyperlink*

anchors 110, 112, 114, and 116 and they are displayed simultaneously with the text hyperlinks on the screen 100).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teaching of Henning with the system of Smethers in order to provide users with a means for controlling access to files on the Web server, the Web server program running on the server machine may provide an extra layer of security above and beyond the normal file system and login security procedures of the operating system on the server machine (*col. 5, lines 26-30*).

Regarding claim 3, Smethers and Hennings teach the system of claim 1.

Smethers further teaches the user input is by selecting a key on a keyboard communicating with the computer appliance, the key annotated with the letter, symbol or number in a linktag (*para.0051; Fig. 1, keypad 108; paras. 0066-0067; Figs. 4-5; the information is corresponded with the my stock will be displayed when a user presses and holds the key assigned "1"*).

Regarding claim 4, Smethers and Hennings teach the system of claim 1.

Hennings further teaches wherein the visual linktags are associated with interactive links by being displayed adjacent to the associated interactive link (*col. 9, lines 38-46; Fig. 2; links 110, 112, 114, and 116 are interact with URL 146; links 120, 122, 124, 126 are associated with interactive URL 148*).

Regarding claim 5, Smethers and Hennings teach the system of claim 1.

Smethers further teaches association of linktags with links is one-to-one and unique, such that no two links have the same linktag (*paras. 0066-0067; Fig. 4 a user assign only one number is associated to only one link*).

Regarding claim 8, Smethers and Hennings teach the system of claim 1.

Hennings further teaches linktags are automatically assigned to the one or more interactive links in a display each time an interactive display is loaded on the computer appliance (*col. 15, lines 66-67 to col. 16, lines 1-22; Fig. 7; col. 16, lines 38-65; col. 17, lines 14-65; Figs. 9A-9C*).

Regarding claim 9, Smethers and Hennings teach the system of claim 1.

Smethers and Hennings further disclose functionality for display and use of linktags is provided through an operating system executed by the computer appliance (*Smethers: paras. 0019-0021 and 0079-0080; Fig. 9; Hennings: col. 18, lines 2-56; Fig. 10*).

Regarding claim 10, Smethers and Hennings teach the system of claim 1.

Smethers further teaches functionality for display and use of linktags is provided through a web browser application (*paras. 008-009; paras. 0066-0067; Fig. 4; an iconic symbol 404 representing a "0" key shows that this key has been previously assigned to a location having a specific URL 412; para. 0069-0078; Figs. 6-8*).

Regarding claim 11, Smethers and Hennings teach the system of claim 10.

Smethers further teaches functionality for display and use of linktags is added to an existing web browser application through a plug-in (*paras. 0066-0068; Figs. 4-5; a user can add more linktags; which will assign to another links; paras. 0069; Fig. 6; a request will be generated and forwarded by the proxy server device to the information server identified by the URL at block 628*).

Regarding claim 12, Smethers and Hennings teach the system of claim 1.

Hennings further teaches functionality for display or use of linktags is provided through javascript code (*col. 3, lines 6-29; col. 16, lines 66-67 to col. 17, lines 1-31; Figs. 9*).

Regarding claim 13, Smethers and Hennings teach the system of claim 1.

Hennings further teaches HTML layering is used in combination with javascript to provide linktags (*col. 10, lines 17-67 to col. 11, lines 1-55; Figs. 3A-3C; col. 16, lines 66-67 to col. 17, lines 1-13; Figs. 9A-9B*).

Regarding claim 14, Smethers and Hennings teach the system of claim 1.

Smethers further teaches the interactive links displayed, when initiated, launch applications to be executed on the computer appliance (*para. 0021; para. 0068; Fig. 5; the proxy server device retrieves the bookmark associated with the "0" key and forwards a request for the page identified by the retrieved URL; paras. 0069-0074; Figs. 6-7; para. 0080*).

Regarding claim 15, Smethers and Hennings teach the system of claim 1.

Smethers further teaches the interactive links displayed, when initiated, initiate navigation to a destination defined in a universal resource locator (*paras. 0009-0012; para. 00069; Fig. 6; the proxy server device will use the compact bookmark identifier to retrieve the associated URL with the bookmark at block 624; para. 0077; Fig. 8*).

Regarding claim 16, claim 16 is similar in scope to claims 1, and is therefore rejected under similar rationale.

Regarding claims 18-20, claims 18-20 are similar in scope to claims 3-5 respectively, and are therefore rejected under similar rationale.

Regarding claims 23-30, claims 23-30 are similar in scope to claims 8-15 respectively, and are therefore rejected under similar rationale.

Regarding claim 31, claim 31 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Regarding claims 33-35, claims 33-35 are similar in scope to claims 3-5 respectively, and are therefore rejected under similar rationale.

Regarding claims 38-45, claims 38-45 are similar in scope to claims 8-15 respectively, and are therefore rejected under similar rationale.

8. **Claims 2, 17, and 32 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Smethers in view of Hennings, and further in view of Hirayama (US 2002/0035613).

Regarding claim 2, Smethers and Hennings teach the system of claim 1, but do not explicitly disclose the user input is vocal.

However, Hirayama teaches a method for sorting registered information, wherein the user input is vocal (*paras. 0069 0073; Fig. 2, microphone 15 and speaker 16 are known as the user input by voice*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teaching of Hirayama with the system of Smethers and Hennings in order to provide

users with means for displaying the contents of the file and the contents of another file that are accessible by means of hyperlink information described in the file and identification of the other file and URL information included in the hyperlink information as access information to the other file (*para. 0021*).

Regarding claim 17, claim 17 is similar in scope to claim 2, and is therefore rejected under similar rationale.

Regarding claim 32, claim 32 is similar in scope to claim 2, and is therefore rejected under similar rationale.

9. **Claims 6, 21, and 36 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Smethers and Hennings, and further in view of Kageyama, Hiroaki (“Kageyama” US 2003/0014261).

Regarding claim 6, Smethers and Hennings teach the system of claim 1,

Smethers further teaches display of linktags is initiated by predefined input and terminated by the predefined input (*para. 0052; a user wishing to access information server 124 from wireless client device 100 using a previously defined bookmark need only press and hold the assigned key*), such that keyboard (*para. 0067; Fig.4; the keys 1-3 has been assigned by a user and obviously*) and

Smethers and Hennings teach all limitations as recited above, but do not explicitly disclose voice controlled navigation may be toggled on and off.

However, Kageyama teaches an input method, wherein voice controlled navigation may be toggled on and off (*abstract; paras. 0016-0022; 0052; 0059-0061 Figs. 5, 6, and 8*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Kageyama with the system of Smethers and Hennings in order to provide users with a means for allowing a user to request a list view in the voice-input mode; displaying a list of items for key input upon the request, while switching the input mode to the key-input mode; and returning the input mode to the voice-input mode once an item has been selected from the displayed list via key selection (*para. 0017*).

Regarding claim 21, claim 21 is similar in scope to claim 6, and is therefore rejected under similar rationale.

Regarding claim 36, claim 36 is similar in scope to claim 6, and is therefore rejected under similar rationale.

10. **Claims 7, 22, and 37 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Smethers in view of Hennings, in view of Kageyama (“Kageyama” US 2003/0014261), and further in view of Berger et al., (“Berger” US 2005/0195221).

Regarding claim 7, Smethers, Hennings, and Kageyama teach the system of claim 6, but do not explicitly disclose linktags, when toggled off, are saved and can be redisplayed without re-creation if toggled on again.

However, Berger teaches a system for facilitating the presentation of content, wherein linktags, when toggled off, are saved and can be redisplayed without re-creation if toggled on again (*paras. 0097-0098; Figs. 11A-11B*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teaching of Berger with the system of Smethers, Hennings, and Kageyama in order to users with a means for facilitating the presentation of content on communication device displays (*abstract*) and activating the keypad symbol corresponding to the label associated with the desired region (*para. 0097*).

Regarding claim 22, claim 22 is similar in scope to claim 7, and is therefore rejected under similar rationale.

Regarding claim 37, claim 37 is similar in scope to claim 7, and is therefore rejected under similar rationale.

Response to Arguments

11. Applicants' arguments in the instant Amendment, filed 12/23/2008 have been fully considered but they are not persuasive.

Applicants argued the following:

(a) Smethers does not teach a visual linktag displayed simultaneously with an interactive link.

(b) Hennings does not teach initiating an interactive link upon input of a number, character, or symbol in a visual linktag.

(c) Smethers and Hennings, alone or in combination, do not teach or suggest all the aspects recited in the amended independent claims;

The Examiner disagrees for the following reasons:

Per (a), Smethers does not explicitly teach a visual linktag displayed simultaneously with an interactive link.

However, Henning teaches a system for promoting contextual information, comprising symbols in a visual linktag (*Fig. 2; the picture icons 102, 104, 106, and 108 are know as the symbols in a linktag*) displayed simultaneously with the interactive link (*col. 9, lines 38-67 to col. 10, lines 1-5; Fig. 2; 7A, and 7B; the picture icons 102, 104, 106, and 108, which is known as the symbols in a visual link, that correspond to various categories of travel offerings available at the site. Adjacent to the picture icons and paired thereto are text hyperlink anchors 110, 112, 114, and 116 and they are displayed simultaneously with the text hyperlinks on the screen 100*).

Per (b) Smethers and Hennings teach initiating an interactive link upon input of a number, character, or symbol in a visual linktag (*Smethers; paras. 0066-0067; Fig. 4; keys "1", "2" and "3", which are known as the initiated an interactive link input of a number, have been assigned by user; Hennings: col. 9, lines 38-67 to col. 10, lines 1-5; Fig. 2; the picture icons 102, 104, 106, and 108, which are known as the symbol in a visual linktag, that correspond to various categories of travel offerings available at the site; adjacent to the picture icons and paired thereto are text hyperlink anchors 110, 112, 114, and 116*).

Per (c) Both Smethers and Hennings do teach all limitations as recited in independent claims, claim 1, 16, and 31; see section 5 of the Office Action above;

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH K. PHAM whose telephone number is (571)270-3230. The examiner can normally be reached on Monday to Thursday from 7:30AM to 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hong S. Stephen can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 7, 2009

/SY D. LUU/

Primary Examiner, Art Unit 2174

/Linh K Pham/

Examiner, Art Unit 2174